THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.17218 OF 1995

Date: 26th September 2006

Between:
Gumma Rama Rao, son of Sri Suryaprakash Rao,
Aged 35 years, resident of Visakhapatnam.

.... Petitioner

And

1. The Divisional Manager, South Eastern Railway,
   Visakhapatnam and 4 others.

.... Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the 4th respondent in compelling the petitioner to issue letters to respondents 1 and 2 for deducting an amount of Rs.500/- per month from his salary for payment to the 5th respondent, as arbitrary and illegal.

2. It appears that the petitioner is the nephew of the 5th respondent. On the death of husband (D.Venkat Rao) of the 5th respondent, the petitioner was appointed as an Engine Cleaner in south Eastern Railway, Visakhapatnam on compassionate grounds at the request made by the 5th respondent. It seems there was some understanding that the petitioner would maintain the 5th respondent also. It appears

that the petitioner has gone back from the promise made. However, they came to an amicable settlement that an amount of Rs.500/- per month would be deducted from the salary of the petitioner and would be paid to the 5th respondent and that was going on for some time. Thereafter, the present writ petition is filed by the petitioner saying that he gave such a letter to the management for deducting Rs.500/- per month from his salary for being paid to the 5th respondent only on the threat of police-4th respondent.

3. Be that as it may, it is purely a private understanding between the two individuals. May be, it is obligatory on the part of the petitioner to maintain the 5th respondent, since she recommended for appointment of the petitioner. Learned counsel for the petitioner states that the 5th respondent has taken all the retiral benefits of her husband as well as getting family pension, which is not being shared by the petitioner.

4. Some amounts have already been deducted and they are kept in suspense account of the management-respondents 1 and 2. If the 5th respondent is aggrieved that petitioner is not paying Rs.500/- per month as agreed, it is always open to her to go to civil court and work out her remedies as available under law. However, the amounts already deducted by the management, in view of the letter given by the petitioner and lying with the respondents 1 and 2, shall be paid to the 5th respondent within a period of two weeks from the date of receipt of a copy of this order. Further, no deductions shall be effected from the salary of the petitioner unless and until the 5th respondent obtains a decree from competent court of law in this regard.

5. The writ petition is disposed of accordingly. No order as to costs.

_____

C.V.RAMULU, J.

Date: 26th September 2006.
BSB